

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 18-23836/ABA
Nicholas and Randy Hitcher Judge: _____
Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 10/5/2018
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: TT Initial Debtor: NH Initial Co-Debtor: RH

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 115.00 per month to the Chapter 13 Trustee, starting on August 1, 2018 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ **NONE**

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 3,100.00
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
BOFCU	'05 Silverado	\$10,000.00	

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

Ally-'12 Ford Explorer

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Wells Fargo-Claim #3-1	none	\$13,000	\$0.00		\$0.00	\$13,000.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administrative Expenses
- 3) then, in accordance with Trustee Standard Order of Distribution
- 4) _____

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 10/5/2018.

Explain below **why** the plan is being modified:
This Plan contains a Motion that the original filed Plan did not

Explain below **how** the plan is being modified:
The Motion is seeking to Reclassify Claim # 3-1 to completely unsecured (Wells Fargo)

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 10/5/2018

s/s Nicholas Hitchner
Debtor

Date: 10/5/2018

s/s Randy Hitchner
Joint Debtor

Date: 10/5/2018

s/s Terry Tucker
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12
 United States Bankruptcy Court
 District of New Jersey

In re:
 Nicholas J Hitchner
 Randy R Hitchner
 Debtors

Case No. 18-23836-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

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 Total Noticed: 27

Date Rcvd: Oct 11, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 13, 2018.

db/jdb
 cr +Nicholas J Hitchner, Randy R Hitchner, 9 Meadow Wood Dr, Bridgeton, NJ 08302-4517
 +Bridgeton Onized Federal Credit Union, McKenna, DuPont, Higgins & Stone, PC, PO Box 610,
 229 Broad Street, Red Bank, NJ 07701-2009
 517637592 +BOFCU, 524 N Pearl St, Bridgeton, NJ 08302-1310
 517637593 +Bridgeton Onized FCU, 524 N. Pearl St., Bridgeton, NJ 08302-1310
 517637598 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Home Depot Credit Services, Processing Center,
 Des Moines, Iowa 50364-0500)
 517637595 +Capital Services, 20 E Taunon Rd, Berlin, NJ 08009-2603
 51763768 +Citibank, N.A., Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 517637596 +Dr. Iqbal and Khan, 10 Magnolia Ave., Bridgeton, NJ 08302-1760
 517637597 +Greensky Bank Trust, PO Box 29429, Atlanta, GA 30359-0429
 517698202 +Greensky, LLC, PO Box 71215, Charlotte, NC 28272-1215
 517637599 +Littman Jewelry, PO Box 790394, St. Louis, MO 63179-0394
 517637600 Loan Care, 3637 Senatara Servicing Center #303, Virginia Beach, VA 23452
 517637601 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
 517647114 +Money Mgmt Int'l, 14141 Southwest Freeway #1000, Sugarloaf, TX 77478-3494
 517637603 Nissan - Infiniti LT, POB 660366, Dallas, TX 75266-0366
 517637603 +Nissan Infinity Lt, POB 660360, Dallas, TX 75266-0360
 517637602 +Nissan and Infinity Lt, POB 660360, Dallas, TX 75266-0360
 517637605 +Wells Fargo, PO Box 71118, Charlotte, NC 28272-1118
 517693795 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 11 2018 23:33:33 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Oct 11 2018 23:33:31 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517637591 +E-mail/Text: ally@ebn.phinsolutions.com Oct 11 2018 23:32:47 Ally, POB 380902,
 Bloomington, MN 55438-0902
 517680460 E-mail/Text: ally@ebn.phinsolutions.com Oct 11 2018 23:32:47 Ally Capital, PO Box 130424,
 Roseville MN 55113-0004
 517739464 E-mail/Text: laura@redbanklaw.com Oct 11 2018 23:32:48
 Bridgeton Onized Federal Credit Union, C/O McKenna, DuPont, Higgins & Stone, PC,
 PO Box 610, Red Bank, NJ 07701-0610
 517637594 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 11 2018 23:44:20 Capital One,
 PO Box 6492, Carol Stream, IL 60197-6492
 517725143 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 11 2018 23:44:43
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 517637604 +E-mail/PDF: gecsed@recoverycorp.com Oct 11 2018 23:43:53 Toys R Us, PO Box 530938,
 Atlanta, GA 30353-0938

TOTAL: 8

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 13, 2018

Signature: /s/Joseph Speetjens

District/off: 0312-1

User: admin
Form ID: pdf901

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Total Noticed: 27

Date Rcvd: Oct 11, 2018

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 5, 2018 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor Finance of America Mortgage, LLC
NJEFCMAIL@mwclaw.com, nj-ecfmail@ecf.courtdrive.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Kevin Gordon McDonald on behalf of Creditor MIDFIRST BANK kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
Melissa S DiCerbo on behalf of Creditor Finance of America Mortgage, LLC
nj-ecfmail@mwclaw.com, nj-ecfmail@ecf.courtdrive.com
Michael R. DuPont on behalf of Creditor Bridgeton Onized Federal Credit Union
dupont@redbanklaw.com, dana@redbanklaw.com
Terry Tucker on behalf of Debtor Nicholas J Hitchner terrytucker@comcast.net
Terry Tucker on behalf of Joint Debtor Randy R Hitchner terrytucker@comcast.net
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8